

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:02-cr-00158-FDW

UNITED STATES OF AMERICA,)
)
vs.)
)
(11) TELLY SAVALAS ARMSTRONG,) ORDER
)
Defendant.)
_____)

THIS MATTER is before the Court on Defendant's pro se Motions for Reduced Sentence under the First Step Act (Doc. No. 110), Motion to File Excess Pages (Doc. No. 116), Motion for Appointment of Counsel (Doc. No. 117), and Motion for Compassionate Release (Doc. No. 118).

The Court hereby ORDERS the Government to respond to Defendant's Motions for Reduced Sentence under the First Step Act and Compassionate Release (Doc. Nos. 110, 118). The Government shall have **thirty (30) days** from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required.

In respect to Defendant's Motion to File Excess Pages (Doc. No. 116), the motion is GRANTED.

With respect to the Motion to Appoint Counsel (Doc. No. 117), criminal defendants do not have a right to counsel beyond their first appeal. E.g., United States v. Kenny, No. 3:01-cr-00185-FDW, 2020 WL 2094116, at *1 (W.D.N.C. Apr. 30, 2020); United States v. Ismel, No. 3:94-CR-00008-1, 2012 WL 113392, at *1 (W.D. Va. Jan. 13, 2012). Defendant has not shown extraordinary circumstances warranting the appointment of counsel at this time. The Motion (Doc.

No. 117) is therefore DENIED.

IT IS, THEREFORE, ORDERED:

- The Government shall respond to Defendant's Motions for Reduced Sentence under the First Step Act and Compassionate Release (Doc. Nos. 110, 118) within **thirty (30) days** from the date of this Order.
- The Defendant's Motion to File Excess Pages (Doc. No. 116) is GRANTED.
- The Defendant's Motion to Appoint Counsel (Doc. No. 117) is DENIED.

IT IS SO ORDERED.

Signed: October 22, 2020

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge



SEALED DOCUMENT with access to Court Only.